

COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Tentative Notice of Action

"Making a Difference"

July 7, 2005

MEETING DATE

June 3, 2005

LOCAL EFFECTIVE DATE

June 17, 2005

FINAL EFFECTIVE DATE

CONTACT/PHONE

James Caruso Senior Planner
781-5702

APPLICANT

John Gardiner

FILE NO. **DRC2004-00075**

SUBJECT

Hearing to consider a request by John Gardiner to construct a mixed use commercial/residential project consisting of a 1,160 square foot commercial storage area, approximately 1,000 square feet of entertainment area and eight parking spaces on the basement level, two (2) commercial spaces of 1,955 square feet and 2,230 square feet each on the 1st floor (Front St) level, and four (4) residential units of 1,115 square feet, 1,175 square feet, 1,200 square feet and 1,125 square feet each on the second level. The project will result in the disturbance of approximately 6,000 square feet of a 6,000 square foot parcel. The project is located on the southeast corner of Front and San Francisco Streets in the community of Avila Beach in the San Luis Bay (Coastal) planning area.

RECOMMENDED ACTION

Approve Minor Use Permit DRC2004-00075 based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION

The project is consistent with the Avila Beach Specific Plan EIR certified by the Board of Supervisors on April 11, 2000.

LAND USE CATEGORY
Commercial Retail

COMBINING DESIGNATION

ASSESSOR PARCEL NO. 076-218-010

SUPERVISOR DISTRICT(S)

3

PLANNING AREA STANDARDS: Avila Beach Specific Plan

Does the project meet applicable Planning Area Standards: Yes - see discussion

LAND USE ORDINANCE STANDARDS:

Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION

This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calender day local appeal period after the administrative hearing.

The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

EXISTING USES: Vacant						
surrounding LAND USE CATEGORIES AND USES: North: Commercial Retail/Vacant (mixed use permitted) South: Recreation/Beach	East: Commercial Retail/Commercial West: Commercial Retail/ Restaurant					
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Avila Valley Advisory Committee, Public Works, CDF, Avila Beach Community Services District, California Coastal Commission						
TOPOGRAPHY: Relatively flat (10 foot drop from Front St)	vegetation: Barren					
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF	ACCEPTANCE DATE: April 14, 2005					

PROJECT DESCRIPTION

The proposed project consists of a residential/commercial mixed use structure with on site parking below the Front St level. The parking level will be entered from the lowest portion of the site along San Francisco Street on an easement shared by the adjacent mixed use development (mid-block passage). Six parking spaces, storage for the commercial uses, entertainment area, restrooms and stairways are located on this level.

The Front St level is proposed to support two commercial spaces totaling 4185 sq ft. These uses extend all the way to the rear of the lot. The third level contains four apartment units: two 2-bedroom and two 1 bedroom apartments totaling 4615 sq ft. The roof will support individual roof decks that must be within the height limit.

AVILA BEACH SPECIFIC PLAN STANDARDS

The proposed project is located on at the intersection of Front and San Francisco Streets. This block currently contains, from east to west,

- Custom House restaurant;
- ii. Mr Rick's;
- iii. Sea Barn;
- iv. Mid Block Passage (The Landing) (In Plancheck);
- v. Gardiner

The Specific Plan contains development standards for uses in this area known as the Front St Commercial area that extends along the north side of Front Street from San Juan to San Antonia Streets.

<u>Front Street Setbacks</u>: The Specific Plan allows for variable front setbacks in this area with the exception of corner lots. Corner lots have a zero setback from Front Street "in order to define the corners of the block and to create a framework in which the variable setbacks will have an impact on the streetscape."

The proposed project complies with this zero front setback requirement.

<u>Side Setbacks</u>: Side setbacks shall be zero feet from the property line at the street frontage. The proposed project has a zero setback on both sides of the structure.

<u>Rear Setbacks and Allowable Uses</u>: A minimum 10 foot setback from property line is required in the rear of the building. The only uses allowed in the setback are parking, service access and landscaping.

The proposed project site plan shows a 10 foot rear setback from the rear property for access and service needs.

Allowable Building Heights: All buildings may be 15 feet tall above the "main street frontage" defined as frontage on Front Street. A building may be up to 25 feet tall if at least one of several criteria are met.

The proposed building is 25 feet high as measured from the Front Street elevation and complies with this standard.

<u>Building Articulation</u>: All facades shall emphasize three dimensional detailing such as cornices, window moldings and reveals. Architectural elements used to provide relief can include awnings and projections, trellises, detailed parapets and arcades.

The proposed structure utilizes many of these details such as parapets, overhangs and building articulation and trim.

<u>Building Materials</u>: Buildings materials shall emphasize stucco, painted wood, lap-siding and tile.

The proposed structure includes painted wood siding and columns.

Roof Types/Detailing/Materials: Buildings shall have articulated parapet walls at roof lines; roofs shall be non-reflective. The proposed plans shows the required detail.

<u>Overhangs</u>: Overhangs and awnings are encouraged on each building to provide shade and a sense of enclosure.

The proposed plans show overhangs on the street elevation.

Building Scale: New development should give the appearance of being separate buildings on 25' or 50' wide lots.

The proposed project site is 50 feet wide. The front elevation of the proposed structure separates the building from adjacent uses.

<u>Signage</u>: Several standards address signage for Front Street businesses (B.10 - B.10h). The basic requirements for signage encourage artistic expression, use of icons, and hand painted wood. Signs shall not be constructed of prefabricated letters or plastic.

The proposed project will be conditioned to submit a signage plan prior to issuance of building permits.

<u>Parking Requirements</u>: Uses other than residences or lodging are not required to provide on-site parking, but must pay in-lieu parking fees for any unbuilt required parking. The project includes enough parking for the proposed residential use.

The proposed project, with conditions, is consistent with the Board of Supervisors approved Avila Beach Specific Plan.

Parking

The 2 residential apartments require on site parking:

two 2- bedroom units = 3 spaces 1 bedroom = 1 space Guest = $1 + \frac{1}{2}$ = 2 spaces

Total required on site: 6 spaces. The applicant has provided 6 on site parking spaces.

Commercial uses on Front St pay into a parking in-lieu fee program instead of providing on site parking. The fee is based on the number of parking spaces the commercial use would need if all parking requirements were met on the site. The various commercial uses on the site include a restaurant, storage, office and retail spaces.

Restaurant - 52 spaces
Commercial retail - 5 spaces
Office - 3 spaces
Total - 60 spaces

A total of 60 on site parking spaces would required. The in lieu fee that has been established for these spaces is 1243/space. Historically, commercial uses in Avila have received a 50% parking adjustment as people generally visit multiple businesses and the beach. The fee would be for 30 spaces instead of the 60 spaces when the parking adjustment is used. $30 \times 1243 = 37,290.00$.

COASTAL PLAN POLICIES:

Shoreline Access: X N/A

Recreation and Visitor Serving: X N/A
Energy and Industrial Development: X N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: X N/A

Agriculture: 🔊 N/A Public Works: 🔏 N/A

Coastal Watersheds: 🔊 N/A Visual and Scenic Resources: 🔊

Hazards: 🗖 N/A Archeology: 🏂 N/A Air Quality: 🖼 N/A

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

AGENCY REVIEW:
Public Works- in file
CDF - see attached correspondence
Avila Beach CSD - attached
California Coastal Commission - no written comments

COMMUNITY ADVISORY GROUP COMMENTS:

The Avila Valley Advisory Committee recommended approval of the project. Their comments are as follows:

- 1. The driveway easement of 20 feet be used in its entirety, as that distance is required to turn cars in and out of the parking area.
- 2. Trash receptacles be analyzed for adequacy by the county according to the type of business or businesses that are leasing the space.
- 3. The elevator shaft height not exceed 25 feet.
- 4. The building vents not exceed 25 feet, 2" in diameter.
- 5. Non-reflective roofing should be provided to the Planning Department for approval.
- 6. In the event of the lease of the commercial space to a restaurant that places tables and chairs in front of the building, that every effort be made not to block pedestrian access to the promenade. A ruling needs to be made by the appropriate agency to determine if such an area has to be fenced if alcohol is served there.
- 7. Color samples for the building exterior shall be provided to Planning for review and approval by the Avila committee.

Staff has included conditions in Exhibit B to address comments 1, 2, 5,6 and 7. Staff does not recommend restricting the height of the elevator and roof top vent pipes to 25 feet. These type of appurtenances are not usually included in the overall height of a building.

Staff report prepared by James Caruso.

EXHIBIT A - FINDINGS

CEQA

A. A Final Environmental Impact Report was certified by the Board of Supervisors for the Avila Beach Specific Plan on April 11, 2000. Pursuant to California Environmental Quality Act Guidelines Section 15184, an EIR prepared for a Specific Plan can be used for a project that is determined to be consistent with that Plan. No significant impacts of the project have been identified and pursuant to CEQA Guidelines section 15183, no project specific mitigation measures are necessary. The mitigation measures identified in the certified Final EIR prepared for the Specific Plan are adequate.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the proposed project is located on Avila Beach Drive, an arterial road constructed to a level able to handle any additional traffic associated with the project and the project will be required to pay Avila Beach Drive road fees.

Coastal Access

G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL Gardiner (DRC2004-00075)

Approved Development

- 1. This approval authorizes the construction of a mixed use retail and office commercial and residential building:
 - a. Two commercial spaces of 2230 sq ft and 900 sq ft each on the Front St level.
 - b. Office space at the rear of the Front St level of 1055 sq ft.
 - c. Four residential units of 1115 sq ft, 1175 sq ft, 1200 sq ft, and 1125 sq ft.
 - d. Basement parking and storage space.
 - f. Roof decks

The proposed project shall be designed and constructed in compliance with the Avila Beach Specific Plan. Prior to issuance of a construction permit, the applicant shall submit final colors and materials to the Dept of Planning and Building for review and approval.

- 2. All development shall be consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
- 3. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Signage Plan

4. **Prior to issuance of a construction permit,** the applicant shall submit a signage plan for the proposed structure. The signs shall be consistent with the sign provisions of the Avila Beach Specific Plan.

Fire Safety

- 5. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the county Fire Department (CDF). The fire safety plan shall include, but not be limited to all requirements as specified in the letter from CDF dated January 8, 2005.
- 6. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

Services

7. **Prior to issuance of construction permit**, the applicant shall provide a letter from Avila Beach Community Services District stating they are willing and able to service the property.

Trash Enclosure

8. Prior to issuance a construction permit, the applicant shall submit a final trash and recycling facility plan to the Department of Planning and Building for review and approval. The trash and recycling facilities shall be appropriate to the use such as a restaurant.

Miscellaneous

- 9. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
- 10. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050.

Drainage

11. **Prior to issuance of a construction permit,** the applicant shall submit a drainage plan to the County Engineer for review and approval. The plan shall incorporate Best Management Practices to handle the runoff from the site pursuant to the Avila Beach Specific Plan. **Drainage shall all be directed to Front St.**

Roads

- 12. Prior to issuance of building permit, the applicant shall pay Avila Circulation fees as determined by the Dept of Public Works.
- Prior to closing any lanes of traffic on public roads, the applicant shall submit a traffic control plan to the Dept of Public Works for review and approval.

Access

14. Prior to issuance of a construction permit, the applicant shall submit an easement document showing theat the subject and neighboring developments have a shared driveway agreement.

Parking In Lieu

15. **Prior to issuance of a certificate of occupancy**, the applicant shall pay in -lieu parking fees to the County in an amount not to exceed \$1243.00 x 30 spaces = \$37,290.00.

Use of the Promenade

16. If the promenade area is used for restaurant seating per Page 18 of the Specific Plan, the area used for such seating shall not interfere with pedestrian movements.



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

January 8, 2005

Coastal Team
Dept. of Planning and Building
County Government Center
San Luis Obispo, Ca. 93408

Subject: Development Plan #DRC2004-00075 Gardner

Dear Coastal Team,

I have reviewed the Development Plan Application for the proposed Mixed Use Occupancy located at 490 & 498 Front Street in the Community of Avila Beach. The project is within a high fire severity zone with a less than 5 minutes response time from the nearest County Fire Station. The project and applicant shall comply with the 2001 California Fire Code (CFC), the 2001 California Building Code (CBC), the local ordinance of the Avila Beach Community Services District and the Public Resources Code (PRC).

ROOF COVERING

The roof type will have to be consistent with the requirements of Table 15A of the 2001 CBC and no less than a Class B roof.

ROOF ACCESS

The County Fire Department is limited to 22 feet of vertical access with ground ladders. A minimum of two points of roof access shall be identified for all buildings. This may require a fixed laddering system.

FIRE FLOW

Fire Flow requirements will have to comply with Appendix IIIA of the CFC. No less than 1500 GPM for 120 minutes at 20 PSI. Hydrant will be within 150 ft. of any exterior wall. Hydrant system plans shall be approved by the fire department prior to construction.

FIRE PROTECTION SYSTEMS

Avila Beach requires that all building exceeding 1000 sq. ft. must have fire protection sprinklers. The automatic fire extinguishing system shall comply with NFPA 13. A Fire Alarm System is required as outlined in CBC 310.10. The alarm system shall terminate at a 24-hour monitoring point (CFC 1003.1). Two sets of plans shall be submitted to the County Fire Department for

approval. A letter from the monitoring company shall be submitted to the County Fire Department verifying service.

We require that a Fire Protection Engineer review the Fire Protection Systems for this project (UFC 103.1.1). A list of Fire Protection Engineers, it is available on our website at www.cdfslo.org. The Fire Protection Engineer will require working plans as outlined in NFPA 13, 6-1 (1996). The Fire Protection Engineer will be required to send the County Fire Department an original letter of the project review they conducted complete with the changes needed.

PARKING GARAGE

Because of limited staffing on County Fire Engines and the inability to drive a fire engine into the parking garage, the parking garage is required to have a pressurized standpipe and a fixed firefighting hose reel that can reach all areas of the garage. This Class II standpipe shall be located near the exit. CBC 904.5.4 and Appendix 9. Smoke or Heat Detectors are required in the Parking Garage to alert the residents.

PORTABLE FIRE EXTINGUISHERS

Portable fire extinguishers shall be installed in all buildings on all floor levels. They shall comply with the UFC Section 1002.1, Standard 10-1. The contractor shall be licensed by the State Fire Marshal.

EXITING

All egress and exiting requirements shall comply with the California Building Code.

ACCESS ROADWAYS

Access Roads must have 24 feet of clear width. (ABCSD Sec 03-1701) The driveway behind the project must be designed and easements granted to accommodate the adjoining property. This should be considered an alley way. Vertical clearance must be 13' 6".

PREMISE IDENTIFICATION

Approved address numbers shall be placed in such a position as to be plainly visible and legible from the street or road fronting the property and located on the rear of the building. They shall be on a contrasting background a minimum of 5 inches high with a ½" stroke. (ABCSD Sec. 03-1702)

When a building permit application is made an application for a Commercial Fire Safety Plan will be required and can be downloaded at www.cdfslo.org.

If I can provide additional information or assistance please call 543-4244

Sincerely

Robert Lewin, Fire Marshal

Battalion Chief

Cc: Mike Harkness, Battalion Chief

Station 62

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SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:	10/7/	27	<u> </u>					•	
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Project Referral Conditions Response

Project # DRC 2004-00075 Gardner MUP 2 2 story structures for Commercial & Residential Use Front Street, Avila Beach

This project will need to apply for water and sewer service from the Avila Beach CSD. The project will require a Preliminary Will Scrve as well as a Final Will Serve and must meet all other conditions of approval in accordance with the District's ordinances and standards. For any questions to the District please contact Administrative staff at 595-2664.

10-8-04 Date

John L. Wallace, General Manager

595-2664 Phone

District Representative

Avila Valley Advisory Council PO Box 65 Avila Beach, CA 93424 (805) 595-9855 pusanik@charter.net

Sent by Fax: 781-1242

April 18, 2005

James Caruso, Senior Planner
San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, California 93408
Jcaruso@co.slo.ca.us

Dear James:

Subject: Gardner Project Conditions of Approval

The Avila Valley Advisory Council voted to approve the above project (with conditions stated below) on April 11, 2005.

Following are concerns expressed that should be corrected before final approval is made by the Planning Department. They are as follows:

- 1. The driveway easement of 20 feet be used in its entirety, as that distance is required to turn cars in and out of the parking area.
- 2. Trash receptacles be analyzed for adequacy by the county according to the type of business or businesses that are leasing the space.
- 3. The elevator shaft height not exceed 25 feet.
- 4. The building vents not exceed 25 feet, 2" in diameter.
- 5. Non-reflective roofing should be provided to the Planning Department for approval.
- 6. In the event of the lease of the commercial space to a restaurant that places tables and chairs in front of the building, that every effort be made not to block pedestrian access to the promenade. A ruling needs to be made by the appropriate agency to determine if such an area has to be fenced if alcohol is served there.
- 7. Color samples for the building exterior shall be provided to Planning for review and approval by the Avila committee.

Thank you for your attention to the above details as this project permit is issued. I would appreciate you providing the Avila sub-committee with your staff report, or notifying them when they are on-line.

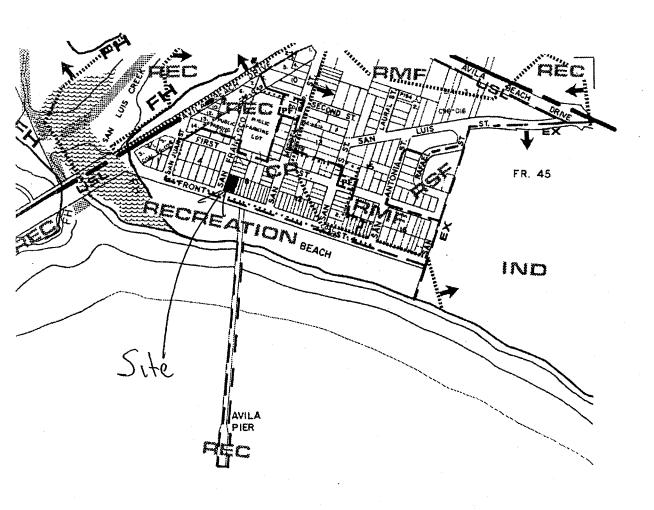
Sincerely,

Bob Pusanik

AVAC Chairperson

C: Avila sub-committee

RJ Pusants



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THIN THE LCP AREA.

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